



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

sure, but they are worth noting. For example, the principle is recognized in the text that the question of whether an article annexed to the realty becomes a part of the realty is a question of what has been called the "objective intention" of the person making the annexation, the actual intention being material only as bearing on the right of severance. Nevertheless, the author often loses sight of this principle, and falls into the common but inexact practice of treating the character of such an article as dependent on the intention or agreement of the parties. It is to be regretted that the editor has missed his opportunity to correct this inaccuracy. To take another illustration, the text states without qualification the harsh doctrine of *Watriss v. First Bank of Cambridge* (124 Mass. 157), as to the effect of a surrender and acceptance of a new lease on a tenant's right to remove fixtures. Surely some discussion of the contrary doctrine might be expected, other than the mere statement that "a few states have repudiated the rule stated in the text," followed by a quotation from the opinion in *Kerr v. Kingsbury* (39 Mich. 150). Yet again, the important subject of the rights of a mortgagee of fixtures as against a mortgagee of the land is split in two, some of the authorities being examined in the chapter on "Grantor and Grantee," and others in the chapter on "Registry Acts." The subject has, of course, these two aspects, but they are so interwoven that an attempt to treat them separately can only result in repetition and confusion, so that a remodeling of the whole treatment was in order.

Thus the chief feeling with which one closes the book is one of regret that the editor's painstaking efforts have not been differently directed, — that he should have devoted himself so largely to searching out cases in New Zealand and the Straits Settlements, rather than to producing a well-digested statement of the law of fixtures as it exists in the United States to-day. H. S. D.

THE LAW OF INTERSTATE COMMERCE AND ITS FEDERAL REGULATION. By Frederick N. Judson. Chicago: T. H. Flood & Co. 1905. pp. xix, 509. 8vo.

Those who are familiar with Mr. Judson's work on Taxation will welcome his new venture in the field of legal literature. He has again selected a live subject and one in which the harvest is plenty although the workers are few. Besides the present book, the treatise by Mr. Snyder, of the New York Bar, published in 1904, is the only other up-to-date work on the subject of Interstate Commerce. The main portion of the present work, some two hundred pages, is given up to a detailed discussion of the Interstate Commerce Act and the Amendment of 1903. This is by far the most important feature of the volume. The author takes up the Act, section by section, and collects under each section the appropriate decisions. This is not done by the usual and unfortunate method of merely collecting the citations in footnotes; but the precise point decided in each case is stated clearly in the text. There is not a footnote in these entire two hundred pages. In later passages other congressional acts are discussed, among them the Anti-Trust Act of 1890, the Safety Act of 1893, with its amendments of 1896 and 1903, the Expedition Act, the Accident Law of 1901, the National Arbitration Act, the National Trade Union Incorporation Act, and the Act creating the Department of Commerce and Labor. Under each of these enactments Mr. Judson collects exhaustively the illustrative decisions; those of the Interstate Commerce Commission he states at length.

The first one hundred and fifty pages of the work are devoted to a general discussion of Interstate Commerce and the conflict between federal and state control. Here is provided an admirable summary of the law in its present state; but there is lacking the theoretical presentation necessary to a complete grasp of the subject. Especially is this true of the discussion of the effect of state "Police Power" on Interstate Commerce. Though in few other subjects is it so necessary to understand the growth of the law, the treatment of this phase of the Interstate Commerce law is inadequate; and to secure a thorough understanding thereof the student will still be compelled to look to the special

works on the subject, especially to the admirable and scholarly treatise by Mr. Hastings, published in the Proceedings of the American Philosophical Society, September, 1900. Again, the discussion of the decisions under the Wilson Act is hardly complete. For example, the author fails to note the cases dealing with the effect of licensing ordinances under the Wilson Act, a phase of the subject upon which the law was in some doubt until the recent decision by the Supreme Court of the United States in the case of *Pabst Brewing Co. v. Crenshaw* (25 Sup. Ct. Rep. 552). The last-mentioned case was decided after the publication of Mr. Judson's work, but he should have noticed such decisions as *Pabst Brewing Co. v. City of Terre Haute* (98 Fed. Rep. 330). Possibly, these matters may be regarded as somewhat collateral to the main purpose of the book, and the limitations in space may be offered as an excuse for the inadequacy of treatment.

The most serious general criticism that suggests itself to the reviewer is that Mr. Judson has not sufficiently expressed his own opinion upon mooted questions, nor given a sufficient discussion of the dissenting views on certain important cases, especially those which the Supreme Court has decided by bare majorities. For example, the *Northern Securities* case would seem to merit more than half a page, and one would expect at least to secure references to authorities where elaborate discussions of so weighty a decision could be found. On the other hand, the author has produced a thorough and eminently practical compilation of the decisions upon the subject of Interstate Commerce. His is probably the most useful work that has appeared upon the subject. It is well edited, the arrangement is clear and concise, and the index is complete. Of interest and value is the table of decisions of the Interstate Commerce Commission on the question of reasonableness of rates, showing the cases in which the order of the Commission was complied with by the railroads, wholly or partially, and the instances in which the enforcement of the order of the Commission was compelled or refused by the federal courts.

J. M. B., JR.

THE LAW OF FIRE INSURANCE. By George A. Clement. In two Volumes. Volume II. New York: Baker, Voorhis & Company. 1905. pp. cxvii, 807. 8vo.

A notice of the first volume of this work appeared in 17 HARV. L. REV. 370. This volume, the second, purports to treat the subject of fire insurance, "taking as a basis the conditions of the standard forms or of the contract specifically declaring the agreement to be void." The statements of law are reduced to "rules," so called, so that the text takes much the form of a brief. The book is not a treatise, nor does it pretend to be. It furnishes, however, a ready means of reference to a large number of cases and to the principles governing this branch of the law of fire insurance. Especially is the work to be commended for giving under each topic the provisions of the various standard forms of policies, and pointing out wherein they are similar and wherein they differ.

The New York standard form has been made the basis of the work. As this form is in such general use, the fact does not, perhaps, lessen the value of the book in the hands of one familiar with the general principles of insurance. It does, however, greatly detract from its value as a book to be used either by students or by any persons not already well acquainted with the subject, in that, by laying stress on the terms of the standard form, it is likely to mislead such persons as to the nature of some of the fundamental doctrines underlying every contract of insurance and the reasons for such doctrines.

For instance, such persons might well be misled as to the real nature of the defense of concealment, by what is said on p. 2, where, after giving the "rule" as to concealment "as imposed by contract" by stating the language of the New York standard form on this point, the author adds in a note: "It would seem that concealment by the insured as to any material matter relating to the insurance may void the policy independent of any specific